

**REMARKS**

**I. STATUS OF THE CLAIMS**

In accordance with the foregoing, claims 1-10 are pending and under consideration.

**II. CLAIMS 1-4, 7 & 8 REJECTED UNDER 35 U.S.C. 101 BECAUSE THE CLAIMED INVENTION IS DIRECTED TO NON-STATUTORY SUBJECT MATTER.**

It is respectfully submitted that currently amended claim 1 fully satisfies 35 USC 101.

For example, to satisfy 35 USC 101, the claimed invention should produce a useful, concrete and tangible result. See, for example, MPEP 2106.

The present invention as recited, for example, in currently amended claim 1, provides the useful, concrete and tangible result of monitoring server load of the server, and transmitting the pass/fail information address to examinee terminals of a predetermined number of examinees including the examinee depending on the determined transmission order and the monitored server load as recited in currently amended claim 1. Accordingly, as would be understood from the recitations of currently amended claim 1, this concrete, tangible result would be extremely useful.

Further, it is respectfully submitted that monitoring server load of the server, and transmitting the pass/fail information address to examinee terminals of a predetermined number of examinees including the examinee depending on the determined transmission order and the monitored server load as recited in currently amended claim 1 is clearly within the technical arts. Moreover, it is respectfully submitted that transmitting the pass/fail information address to examinee terminals is clearly in the technological arts, and is commonly considered by the USPTO to be in the technological arts.

The above arguments are specifically directed to currently amended claim 1. However, it is respectfully submitted that the arguments would be helpful for understanding that the various other claims include statutory subject matter.

**III. REJECTION OF CLAIMS 3 AND 4 UNDER 35 U.S.C. 102(b) AS BEING ANTICIPATED BY TOSHIYA (ENGLISH MACHINE TRANSLATION OF JP 2001-273375 A)**

Toshiya describes in paragraph [0023], "it is determined whether the inputted candidate name or number is included in data of successful candidate information database, and if

included, the successful result is returned to the user. For example, a file for successful candidate (such as an html file) is transmitted to a user terminal, and display the file on the screen of the user terminal by means of Web browser."

According to the context of paragraph [0023] of Toshiya, the "file for successful candidate" is merely a file indicating the result of the exam of the successful candidate, which does not include examinee ID numbers of a plurality of passing examinees around the particular examinee as recited in currently amended claim 3.

Therefore, Toshiya fails to describe at least the recitation, transmitting, in response to reception of the transmission request, examinee ID numbers of a plurality of passing examinees around the particular examinee, of currently amended claim 3.

Toshiya describes in paragraph [0016], "pass/fail information database 4 for storing pass/fail information is a relational database, for example. Its exemplary data structure is shown in Fig. 2. The exemplary database includes: a user table for storing the attributes of users (candidates) such as their name, school and faculty of which exam the users are taking; a exam schedule table storing school and faculty, exam data, and date of announcement of application result; and successful candidate table storing name and application number of candidates of each school and faculty."

Toshiya, however, fails to describe at least the recitation, forming a group of examinees who wish to disclose their pass/fail information to other examinees, based on profile information of the examinees, the group including the particular examinee, and transmitting pass/fail information of the examinees of the group to the examinee terminal of the particular examinee, as recited in currently amended claim 4.

It is respectfully submitted the rejection is overcome.

**IV. REJECTION OF CLAIMS 1, 2 & 5-10 UNDER 35 U.S.C. 103(A) AS BEING UNPATENTABLE OVER TOSHIYA (ENGLISH MACINE TRANSLATION OF JP 2001-273375 A) IN VIEW OF FUJIMOTO ET AL. (U.S. PATENT NUMBER 7,013,429)**

Fujimoto describes, "wherein time information, to perform message transmission at a time set in advance, is attached to transmitted and received electronic mail, and based on said time information, said control means transmits the message displayed in said message display region to the other party specified by said specification mean when said set time arrives" (claim 4) (emphasis added).

Contrastingly, currently amended claim 1 recites, monitoring server load of the server, and transmitting the pass/fail information address to examinee terminals of a predetermined number of examinees including the examinee depending on the determined transmission order and the monitored server load. Accordingly, Fujimoto describes message transmission occurring when a set time arrives, in contrast to currently amended 1 which recites monitoring server load of the server, and transmitting the pass/fail information address ... depending on the determined transmission order and the monitored server load.

The above arguments are specifically directed to currently amended claim 1. However, it is respectfully submitted that the arguments would be helpful for understanding various differences of other claims.

It is respectfully submitted the rejection is overcome.

#### V. CONCLUSION

In view of the above, it is respectfully submitted that the application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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